

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

MICHAEL ROSENSTIEL II,

Case No.: 23-cv-01876

Plaintiff,

v.

JOHN PAUL MCDONALD,

**COMPLAINT**  
**Jury Trial Demanded Under FRCP 38(b)**

Defendant.

---

For his Complaint, MICHAEL ROSENSTIEL II, states and alleges as follows:

**PARTIES**

1. Plaintiff ROSENSTIEL is, and was at all times material herein, a citizen of the United States and a resident of the State of Minnesota.

2. Defendant JOHN PAUL MCDONALD, upon information and belief, was at all times material herein a citizen of the United States and a resident of the State of Texas.

**JURISDICTION AND VENUE**

3. ROSENSTIEL brings this action in accordance with 28 U.S.C. § 1332 as the parties are citizens of different states and the amount in controversy exceeds \$75,000.00. This statutory provision confers original jurisdiction of the Court over this matter.

4. The events giving rise to this action occurred in the City of Minneapolis. Venue is thus proper under 28 U.S.C. § 1391(b)(2).

## **BACKGROUND**

5. In the early morning of June 12, 2022, an altercation broke out between several patrons at a restaurant and bar known as Maxwell's American Pub located in Minneapolis, Minnesota.

6. ROSENSTIEL was at Maxwell's American Pub that morning in his capacity as the general manager.

7. As ROSENSTIEL assisted with the separation and removal of the patrons involved in the altercation, MCDONALD, without warning, provocation, or justification, punched ROSENSTIEL.

8. ROSENSTIEL sustained serious injuries to his jaw and teeth which required surgeries to correct.

## **COUNT I INTENTIONAL TORT**

9. ROSENSTIEL realleges and incorporates by reference each and every allegation contained in each paragraph above as though fully set forth herein.

10. MCDONALD intentionally caused harmful contact with ROSENSTIEL that resulted in injury to ROSENSTIEL.

11. At the time MCDONALD struck ROSENSTIEL, MCDONALD could not have reasonably believed that he was resisting or preventing an offense that exposed him to danger of death or serious harm.

12. MCDONALD acted in deliberate disregard for the rights or safety of ROSENSTIEL when he struck ROSENSTIEL without warning, provocation, or justification.

13. As a direct and proximate result of the act of defendant MCDONALD, ROSENSTIEL suffered damages in an amount exceeding \$75,000.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

1. A money judgment against defendant JOHN PAUL MCDONALD for compensatory damages in an amount in excess of \$75,000.00, together with costs and prejudgment interest; and,
2. For such other and further relief as this Court deems just and equitable.

Dated: June 21, 2023

TC INJURY LAW

/s/ Aaron M. Ponce  
Aaron M. Ponce (#0296405)  
10 South 5<sup>th</sup> Street, Suite 1010  
Minneapolis, MN 55402  
Telephone: 612-344-4848  
*aponce@tcinjurylaw.com*

ATTORNEYS FOR PLAINTIFF  
MICHAEL ROSENSTIEL II